

Minister of Foreign Affairs

Ministre des Affaires étrangères

Ottawa, Canada K1A 0G2

The Honourable L'honorable  
Bill Graham P.C., Q.C., M.P., c.p., c.r., député

DEC - 5 2002

The Honorable Colin L. Powell  
Secretary of State of the United States of America

Excellency,

I have the honour to refer to discussions between our two Governments regarding future Canada-United States cooperation in broadening bi-national defence arrangements for North American security. Both Governments remain convinced that enhanced cooperation, as detailed herein, conducted within the framework of the North Atlantic Treaty, remains vital to their mutual security, compatible with their national interests, and an important element of their contribution to the overall security of the NATO area.

The terrorist attacks of September 11, 2001, represented a dramatic change in the geostrategic environment for North American security. The overall threat to the North American continent from the air, land, and sea has greatly increased, including the potential for the use of weapons of mass destruction delivered by unconventional means, by terrorists or others.

Our two Governments have taken steps on a national basis to reassess and improve preparedness for the air, land and maritime defence of each country. Moreover, our Governments have identified additional ways we could work together to protect our citizens and to strengthen North American security as a whole, while respecting the national interests and sovereignty of each other.

In view of these developments, I have the honour to propose the following:

Our two Governments reaffirm the value of continued cooperation between Canada and the United States in the aerospace defence of North America through participation in the North American Aerospace Defence Command (NORAD).

Both Governments affirm the merits of broadening bi-national defence arrangements in order to:

- (1) prevent or mitigate threats or attacks by terrorists or others on Canada or the United States; and
- (2) ensure a cooperative and well-coordinated response to national requests for military assistance in relation to terrorist, or other, threats or attacks, natural disasters, or other major emergencies in Canada or the United States.

Our two Governments shall establish a bi-national planning group ("Planning Group") in NORAD headquarters in Colorado Springs to enhance bi-national military planning, surveillance, and support to civil authorities by:

- (a) preparing contingency plans to respond to threats and attacks, and other major emergencies in Canada or the United States;
- (b) acting to prevent and mitigate threats or attacks through:
  - maintaining awareness of emerging situations through maritime surveillance activities;
  - sharing maritime intelligence and operational information in accordance with national laws, policies and directives;
  - assessing maritime threats, incidents, and emergencies in order to advise and/or warn Governments;
- (c) designing and participating in exercises;
- (d) conducting joint training programs;
- (e) validating plans prior to approval; and
- (f) establishing appropriate coordination mechanisms with relevant federal agencies.

On the basis of our common appreciation of the circumstances described and the experience gained through our bilateral defence relations to date, and reaffirming that each Government continues to exercise control of its respective sovereign territory and to command its national forces, my Government proposes that the following rules shall govern the future organization and operations of the Planning Group:

- (a) The Planning Group's focus shall include maritime- and land-based threats and cooperation and support to civil authorities in Canada or the United States.
- (b) The head of the Planning Group shall be the Deputy Commander of NORAD, with an assigned deputy from the other country. The head of the Planning Group will report to the Canadian and US Governments through offices or officials to be designated by their respective Governments. The head of the Planning Group will operate under the authority of the Commander of NORAD.
- (c) The Planning Group will develop, based on the agreed guidance provided by our two Governments, detailed contingency plans and consultation and decision-making arrangements, describing the processes to be followed in the event that attacks, threats, incidents, or emergency circumstances warrant independent, cooperative or coordinated military or civil/military responses. The plans and arrangements will be reviewed by the head of the Planning Group and shall be submitted to both Governments for approval. The plans and arrangements shall be separate from existing bi-national aerospace defence arrangements under the Agreement between the Government of Canada and the Government of the United States of America concerning the organization and operation of the North American Air Defence Command ("NORAD Agreement"), originally signed on May 12, 1958, and most recently renewed by the exchange of Notes of June 16, 2000, effective May 12, 2001, which extended the NORAD Agreement to May 12, 2006, which remains unchanged.
- (d) The sharing of classified military information, technology, and material related to the conduct of missions, as defined, provides mutual political and military advantage. Both Governments shall exchange and provide access to this classified military information, technology, and material to the maximum extent possible in accordance with national laws, policies and directives, including the 1962 General Security and Information Agreement.

- (e) All provisions in the NORAD Agreement, and its supporting documents concerning the administration, discipline, internal organization, training and status of forces, shall apply.
- (f) The financing and cost-sharing of expenditures connected with the Planning Group shall be arranged by mutual consent between appropriate agencies of our two Governments.

Our Governments shall consult on the implementation of the agreement herein proposed. These consultations shall involve senior officials of relevant Canadian and United States federal departments and/or federal agencies and invited members of the Planning Group and be held as necessary and with the agreement of our Governments. Each Government shall determine the composition of its national representation. Our Governments shall endeavour to use existing forums, such as the Permanent Joint Board on Defence, as the basis for these consultations.

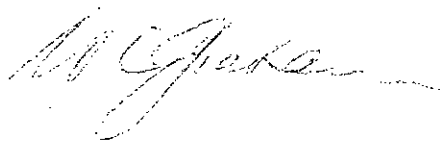
Nothing in the present agreement shall be interpreted as amending the NORAD Agreement.

The agreement herein will remain in force for a period of two years during which its terms may be reviewed at any time at the request of either Government. It may be terminated by either Government or extended by agreement of both Governments, following three months' written notice to the other.

If your Government concurs in the consideration and provisions set forth herein, I have the honour to propose that this Note, which is equally authentic in English and French, and your reply to that effect, shall constitute an agreement between our two Governments, which will enter into force on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. Graham', with a long, sweeping horizontal line extending to the right.

William Graham

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Can for Delivery  
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DEPARTMENT OF STATE

WASHINGTON

December 5, 2002

Sir:

I have the honor to refer to your Excellency's note dated  
December 5, 2002, which reads as follows:

"I have the honor to refer to discussions between our two Governments regarding future Canada-United States cooperation in broadening bi-national defence arrangements for North American security. Both Governments remain convinced that enhanced cooperation, as detailed herein, conducted within the framework of the North Atlantic Treaty, remains vital to their mutual security, compatible with their national interests, and an important element of their contribution to the overall security of the NATO area.

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The Honorable

William Graham, M.P.,

Minister of Foreign Affairs of Canada,

Ottawa.

DIPLOMATIC NOTE

American security. The overall threat to the North American continent from the air, land, and sea has greatly increased, including the potential for the use of weapons of mass destruction delivered by unconventional means, by terrorists or others.

Our two Governments have taken steps on a national basis to reassess and improve preparedness for the air, land, and maritime defence of each country. Moreover, our Governments have identified additional ways we could work together to protect our citizens and to strengthen North American security as a whole, while respecting the national interests and sovereignty of each other.

In view of these developments, I have the honor to propose the following: Our two Governments reaffirm the value of continued cooperation between Canada and the United States in the aerospace defence of North America through participation in the North American Aerospace Defense Command (NORAD).

Both Governments affirm the merits of broadening bi-national defence arrangements in order to:

- (1) prevent or mitigate threats or attacks by terrorists or others on Canada or the United States; and
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relation to terrorist, or other, threats or attacks, natural disasters, or other major emergencies in Canada or the United States.

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On the basis of our common appreciation of the circumstances described and the experience gained through our bilateral defence relations to date, and reaffirming that each Government continues to exercise control of its respective sovereign territory and to command its national forces, my Government proposes that the following rules shall govern the future organization and operations of the Planning Group:

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- (c) The Planning Group will develop, based on the agreed guidance provided by our two Governments, detailed contingency plans and consultation and decision-making arrangements, describing the processes to be followed in the event that attacks, threats, incidents, or emergency



circumstances warrant independent, cooperative, or coordinated military or civil/military responses. The plans and arrangements will be reviewed by the head of the Planning Group and shall be submitted to both Governments for approval. The plans and arrangements shall be separate from existing binational aerospace defence arrangements under the Agreement between the Government of Canada and the Government of the United States of America concerning the organization and operation of the North American Air Defence Command ("NORAD Agreement"), originally signed on May 12, 1958, and most recently renewed by the exchange of Notes of June 16, 2000, effective May 12, 2001, which extended the NORAD Agreement to May 12, 2006, which remains unchanged.

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Our Governments shall consult on the implementation of the agreement herein proposed. These consultations shall involve senior officials of relevant Canadian and United States federal departments and/or federal agencies and invited members of the Planning Group and be held as necessary and with the agreement of our Governments. Each Government shall determine the composition of its national representation. Our Governments shall endeavor to use existing forums, such as the Permanent Joint Board on Defence, as the basis for these consultations.

Nothing in the present agreement shall be interpreted as amending the NORAD Agreement.

The agreement herein will remain in force for a period of two years during which its terms may be reviewed at any time at the request of either Government. It may be terminated by either

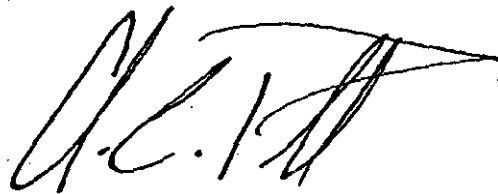
Government or extended by agreement of both Governments,  
following three months' written notice to the other.

If your Government concurs in the consideration and provisions set forth herein, I have the honour to propose that this Note, which is equally authentic, in English and French, and your reply to that effect shall constitute an agreement between our two Governments, which will enter into force on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration."

I herewith inform you that the United States of America concurs with the provisions set out in your Note dated December 5, 2002 and that your note and this reply shall constitute an Agreement between our two Governments, which shall enter into force on this date.

Accept, Sir, the assurance of my high consideration.

A handwritten signature in dark ink, appearing to be 'A.C. T. J.' with a stylized flourish at the end.